

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHRISTOPHER MCCULLOUGH, #174 909 *

Plaintiff, *

v. * 3:05-CV-1163-WKW

SGT. JOHN CARMICHAEL, *et al.*, *

Defendants. *

ORDER

On July 28, 2008 Defendants filed objections to the July 2, 2008 Recommendation of the Magistrate Judge. (*Doc. No. 32.*) Upon consideration of the objections, the court concludes the July 2, 2008 Recommendation is due to be withdrawn.

Accordingly, it is

ORDERED that the Recommendation of the Magistrate Judge entered on July 2, 2008 (*Doc. No. 28*), be and is hereby WITHDRAWN.

It is further

ORDERED that on or before September 19, 2008 Plaintiff may file any further response to the additional evidence submitted by Defendants in support of their July 28, 2008 objections concerning Plaintiff's failure to exhaust administrative remedies. Said response should be filed in accordance with the provisions contained in the court's February 28, 2006 order. (*See Doc. No. 12.*)

DONE, this 5th day of September 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE